

3/29/19

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Chapter No. 445
19/SS26/R769SG
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SENATE BILL NO. 2452

Originated in Senate  Secretary

SENATE BILL NO. 2452

AN ACT TO AMEND SECTION 73-50-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN OCCUPATIONAL LICENSING BOARD ISSUING A LICENSE, CERTIFICATION OR REGISTRATION TO A MILITARY SPOUSE SHALL APPROVE OR DENY THE APPLICATION WITHIN A CERTAIN AMOUNT OF TIME IF THE SPOUSE'S ORDERS ARE IN MISSISSIPPI FOR 36 MONTHS OR LESS; TO REQUIRE OCCUPATIONAL LICENSING BOARDS TO ADOPT RULES NECESSARY TO IMPLEMENT THIS SECTION BY A CERTAIN DATE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-50-1, Mississippi Code of 1972, is amended as follows:

73-50-1. (1) As used in this section, the term:

(a) "License" means any license (other than a privilege license), certificate or other evidence of qualification that an individual is required to obtain before he or she may engage in or represent himself or herself to be a member of a particular profession or occupation.

(b) "Occupational licensing board" means any state board, commission, department or other agency in Mississippi that is established for the primary purpose of regulating the entry of

persons into, and/or the conduct of persons within, a particular profession or occupation, and which is authorized to issue licenses. For the purposes of this section, the State Department of Education shall be considered an occupational licensing board when issuing teacher licenses under Section 37-3-2.

(2) Notwithstanding any other provision of law, an occupational licensing board shall issue a license, certification or registration to a military-trained applicant to allow the applicant to lawfully practice the applicant's occupation in Mississippi if, upon application to an occupational licensing board, the applicant satisfies the following conditions:

(a) Has been awarded a military occupational specialty and has done all of the following at a level that is substantially equivalent to or exceeds the requirements for licensure, certification or registration of the occupational licensing board from which the applicant is seeking licensure, certification or registration in this state: completed a military program of training, completed testing or equivalent training and experience as determined by the board, and performed in the occupational specialty.

(b) Has engaged in the active practice of the occupation for which the person is seeking a license, certification or permit from the occupational licensing board in this state for at least two (2) of the five (5) years preceding the date of the application under this section.

(c) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice that occupation in this state at the time the act was committed.

(d) Pays any fees required by the occupational licensing board for which the applicant is seeking licensure, certification or registration in this state.

(3) Notwithstanding any other provision of law, an occupational licensing board shall issue a license, certification or registration to a military spouse to allow the military spouse to lawfully practice the military spouse's occupation in Mississippi if, upon application to an occupational licensing board, the military spouse satisfies the following conditions:

(a) Holds a current license, certification or registration from another jurisdiction, and that jurisdiction's requirements for licensure, certification or registration are substantially equivalent to or exceed the requirements for licensure, certification or registration of the occupational licensing board for which the applicant is seeking licensure, certification or registration in this state.

(b) Can demonstrate competency in the occupation through methods as determined by the board, such as having completed continuing education units or having had recent experience for at least two (2) of the five (5) years preceding the date of the application under this section.

(c) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice that occupation in this state at the time the act was committed.

(d) Is in good standing and has not been disciplined by the agency that had jurisdiction to issue the license, certification or permit.

(e) Pays any fees required by the occupational licensing board for which the applicant is seeking licensure, certification or registration in this state.

(4) An occupational licensing board issuing a license, certification or registration to a military spouse pursuant to subsection (3) of this section shall issue or deny the license, certification or registration within four (4) months of the military spouse's application if the spouse's orders are in Mississippi for thirty-six (36) months or less.

(* * *5) All relevant experience of a military service member in the discharge of official duties or, for a military spouse, all relevant experience, including full-time and part-time experience, regardless of whether in a paid or volunteer capacity, shall be credited in the calculation of years of practice in an occupation as required under subsection (2) or (3) of this section.

(* * *6) A nonresident licensed, certified or registered under this section shall be entitled to the same rights and

subject to the same obligations as required of a resident licensed, certified or registered by an occupational licensing board in this state.

(* * *7) An occupational licensing board may issue a temporary practice permit to a military-trained applicant or military spouse licensed, certified or registered in another jurisdiction while the military-trained applicant or military spouse is satisfying the requirements for licensure under subsection (2) or (3) of this section if that jurisdiction has licensure, certification or registration standards substantially equivalent to the standards for licensure, certification or registration of an occupational licensing board in this state. The military-trained applicant or military spouse may practice under the temporary permit until a license, certification or registration is granted or until a notice to deny a license, certification or registration is issued in accordance with rules adopted by the occupational licensing board.

(* * *8) An occupational licensing board * * * shall adopt rules necessary to implement this section by January 1, 2020.

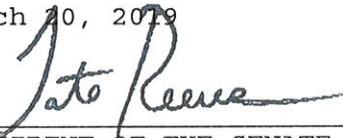
(* * *9) Nothing in this section shall be construed to prohibit a military-trained applicant or military spouse from proceeding under the existing licensure, certification or registration requirements established by an occupational licensing board in this state.

(* * *10) Nothing in this section shall be construed to apply to the practice of law as regulated under Section 73-3-1 et seq.

(11) An occupational licensing board issuing a license, certification or registration pursuant to this chapter is encouraged to reduce the fees required by the occupational licensing board for which the applicant is seeking licensure, certification or registration in this state.

SECTION 2. This act shall take effect and be in force from and after its passage.

PASSED BY THE SENATE
March 10, 2019



PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 12, 2019



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

3/29/2019 2:40pm